

REMARKS

Claims 4, 6-26, 35, and 36 are pending in the application. Claims 4, 6-26, 35, and 36 are currently rejected. Applicants' counsel wishes to thank Examiner for holding a telephonic interview on October 30, 2007. The discussion assisted counsel in preparing this response. Applicants wish to bring to Examiner's attention that in claim 1, the term "frame-based" was inadvertently reintroduced into the preamble in the last Reply to Office Action filed on July 11, 2007 after having been deleted by preliminary amendment filed on March 16, 2004. Applicants have corrected claim 1 to read as intended by deleting the term and apologize for the mistake.

Applicants respectfully request further consideration of the claims, in view of the following remarks.

Claim Rejections under 35 U.S.C. §103(a)

During patent examination the PTO bears the initial burden of supporting a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all of the claim limitations. Second, there must be some suggestion or motivation to modify or combine the references. Third, there must be a reasonable expectation of success. *See* MPEP § 2142.

Before the Examiner can rely on prior art teachings as a basis for rejection, however, the teachings must be determined to be "analogous prior art." *See* MPEP § 2141.01(a) "[T]he references must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Applicant believes the Examiner has not met her burden under § 103 for the following reasons:

A. Claims 4, 6-16, 18, 20-26, 35-36 are rejected under 35 U.S.C. §103(a) over Mahran and Hinman

Claims 4, 6-16, 18, 20-26, 35-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard E. Mahran ("Mahran") and US

Patent Number 7,022,905 issued to Jeremy D.F. Hinman et al ("Hinman"). The Examiner alleges that Mahran teaches all limitations of the instant invention except "Mahran does not explicitly teach verifying that the information extracted from the selected articles by the knowledge personnel is correct and that it has been placed in the correct storage format in the knowledge representation, wherein the verification is performed by quality control personnel." Hinman is alleged to supply this missing limitation. Applicants traverse the rejection.

1. Non-analogous Art

Applicants respectively contend that Hinman is non-analogous art because it is not in the same field of applicants' endeavor. Hinman discloses a method for the classification of music, a subjective topic, as opposed to the extraction of objective information from articles as disclosed in the instant invention. "Articles", as disclosed in paragraph 0004 of the specification, are "contained in magazines, journals, papers, newspapers, books, notebooks, etc." Hinman does not disclose articles from which information is extracted. Instead, Hinman discloses a music classification system. The words "journal", "paper", "newspaper", "book", and "notebook" cannot be found in Hinman. The word "magazine" appears only once in the context of a music critic from a magazine.

Additionally, articles are disclosed in paragraph 0004 to "include any transcribed or printed information." Music, on the other hand, is usually found encoded on records, tapes, compact disks and as MP3 files and not in books or other printed matter. In fact, Hinman's system would not work for printed matter as many of the qualities of a performance of a musical composition cannot be captured as text.

Furthermore, the specification in paragraph 0004 of the instant invention discloses that information in an article "may include text, graphics, charts, audio information, video information, multimedia information." Applicants do not disclose music to be a form of "information." Instead, Applicants in paragraph 0005 give an example of what they mean by information by referring to data generated in the field of life sciences.

Additionally, Applicants contend that music cannot be information as the word is used in the instant invention because, musical compositions are comprised primarily of subjective characteristics as opposed to a book, particularly from a scientific or technical field, that is comprised chiefly of objective facts that can be extracted. Instead, music is usually evaluated in the

whole and the evaluation will frequently depend on various factors such as age, gender, education level, culture sensibilities, and nationality of the listener. One listener might find a vocalist uplifting and inspirational, while another may find her sounding hoarse and out of tune. Objective facts, on the other hand, are not subject to the vagaries of the individual listener.

Applicants respectfully request Examiner withdrawal her rejection of claims 4, 6-16, 18, 20-26, 35-36 under 35 U.S.C. §103(a) because Hinman is non-analogous art and therefore, it cannot be combined with Mahran to provide the missing limitation.

2. Not Reasonably Pertinent to the Particular Problem Face by Inventors

Applicants respectfully contend that Examiner cannot rely on the teachings of Hinman as a basis for rejection because Hinman's teachings are not reasonably pertinent to the particular problem faced by Applicants. Hinman discloses a method for classifying musical compositions for the purpose of identifying qualitatively similar compositions. (Column 1, lines 9-15) The problem faced by Hinman was how to standardize the descriptions of subjective content so that different musical reviewers would consistently classify qualitatively similar pieces of music as similar.

In contrast, Applicants disclose a method to overcome the hurdle presented by the proliferation of available information on a topic by extracting and organizing the information in a format that can be easily accessed and searched. (Paragraphs 0005 and 0006) The instant invention is not concerned with identifying qualitatively similar items, but instead, it is focused on how to sift through the vast number of articles to identify key information to be used in making informed decisions. (Paragraph 0005)

Applicants contend that a person of ordinary skill in the art would not turn to Hinman to solve the verification problem faced in data extraction because Hinman's solution focuses on obtaining consistent qualitative interpretations of subjective experiences and not consistent extraction of objective facts from articles. Therefore, Hinman's teachings are not reasonably pertinent and hence, Applicants respectfully request Examiner withdrawal her rejection of claims 4, 6-16, 18, 20-26, 35-36 under 35 U.S.C. §103(a).

3. All Limitations are not Present

Applicants respectfully contend that at least the verification step is missing from Mahran and it is not supplied by Hinman. Applicants note that Examiner acknowledges the limitations of the

verification step are explicitly absent from Mahran. Applicants assert that a subjective quality cannot be verified for "correctness" unlike what can be done with an objective fact simply because while reasonable people can argue over their personal interpretation or description of subjective quality that they experienced, an objective fact is beyond dispute. It is only the interpretation of what facts mean that may be open to discussion.

Additionally, Hinman discloses that the quality control step entails concurrent listening to the classified music by the reviewer while reviewing the classification values. (Column 12, lines 7-10) The instant invention does not disclose nor rely on such a verification procedure. Therefore, Applicants assert that Hinman is not applicable and cannot be used to supply this limitation.

Furthermore, as detailed in 1. above, Hinman does not disclose "articles" from which information is to be extract. Hinman also attaches a different meaning to the word "information" using the word to describe subjective qualities of music in addition to objective facts as in the instant invention.

Therefore, Applicants assert Examiner has not made a prima facie case of obviousness and hence, respectfully request that Examiner withdrawal her rejection of claims 4, 6-16, 18, 20-26, 35-36 under 35 U.S.C. §103(a)

B. Claim is rejected under 35 U.S.C. §103(a) as being unpatentable over Mahran, Hinman and Chin

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard E. Mahran ("Mahran") and US Patent Number 7,022,905 issued to Jeremy D.F. Hinman et al ("Hinman") in view of US Patent Number 6,470,277 issued to Daniel J. Chin et al ("Chin").

Applicants respectfully contend that for at least the reasons given in A. above, Examiner may not rely on Hinman as it is non-analogous art and also Examiner has not presented a prima facie case of obviousness for claim 17 under 35 U.S.C. §103(a). Hence, Applicants request the withdrawal of the rejection.

C. Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mahran, Hinman and Zhang

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication Number 2002/0165737 issued to Howard E. Mahran ("Mahran") and US Patent Number 7,022,905 issued to Jeremy D.F. Hinman et al ("Hinman") in view of US Patent Number 6,498,795 issued to Junbiao Zhang et al ("Zhang").

Applicants respectfully contend that for at least the reasons given in A. above, Examiner may not rely on Hinman as it is non-analogous art and also Examiner has not presented a prima facie case of obviousness for claim 19 under 35 U.S.C. §103(a). Hence, Applicants request the withdrawal of the rejection.

CONCLUSION

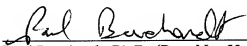
In view of the foregoing claim amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance. Accordingly, favorable reconsideration and early allowance are requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 27763.703.301).

Respectfully submitted,

Date: October 31, 2007

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